

HOUSE BILL 2902
By Brooks (Shelby)

AN ACT to amend Tennessee Code Annotated, Title 71,
relative to prescription drugs in the TennCare
program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by
adding the following as a new section:

71-5-149.

(a) Notwithstanding any other provision of this chapter, in addition to any limit on the number of prescription drugs that a recipient of medical assistance under this chapter may receive, including any supplemental short list of additional medications, a recipient may receive additional prescription drugs that a physician has certified as medically necessary to preserve the recipient from a serious danger to life or health. In order to receive such additional prescription drugs, the enrollee and the enrollee's physician shall petition the medical director of the bureau of TennCare, or such other person as the commissioner of finance and administration may designate, for the additional drugs. The medical director, or the commissioner's designee, may request relevant information from the petitioners in order to evaluate the request. The medical director or the commissioner's designee shall promptly evaluate the petition and approve, disapprove, or approve the request with modifications. The petition shall be granted to the extent that prescription drugs, beyond those available under any monthly limit or short list, are medically necessary to preserve the recipient from a serious danger to life or health.

(b) If the commissioner of finance and administration determines that a new waiver, a waiver amendment, or other approval from the Centers for Medicare and Medicaid Services is necessary in order to implement the provisions of subsection (a) under the terms of the TennCare waiver, then the commissioner shall promptly seek such waiver. The provisions of subsection (a) shall not be implemented unless and until all necessary approvals have been secured.

(c) The commissioner of finance and administration is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of title 4, chapter 5.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.